CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 95-178
SITE CLEANUP REQUIREMENTS FOR:

W.S. ASSOCIATES
c/o LOWENBERG INVESTMENT COMPANY
44 MONTGOMERY STREET, SUITE 1560
SAN FRANCISCO, CA 94104

AND

NESTLE BEVERAGE COMPANY
345 SPEAR STREET
SAN FRANCISCO, CA 94105

for the property located at
1964 WILLIAMS STREET
SAN LEANDRO
ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Site Location**: The 1964 Williams Street Site (hereinafter the Site) is a 25,000 square foot warehouse building located within a warehouse complex along the northern side of Williams Street near the intersection of Merced Street. A Southern Pacific Railroad spur borders to the west between the Site and adjacent property occupied by Kellogg Company. Three (3) loading docks with roll-up doors access the western side of the warehouse on Site. Asphalt covered driving and parking areas surround the northern and eastern sides of the Site.

   The Site is relatively flat with an average elevation of 30 feet above mean sea level (MSL) and is graded to facilitate surface drainage into culverts along the northwest and eastern portions of the Site. The storm sewer main flows west across Doolittle Drive into the slough and San Francisco Bay, which is about a mile to the west of the Site.

2. **Site History**: A coffee freeze-drying facility was operated at the Site from 1969 to 1971 by Hills Brothers Coffee Company, now known as Nestle Beverage Company (hereinafter Nestle). A commercial food freeze-drying facility was operated at the Site by other parties from 1972 to 1982. Trichloroethylene (TCE) was reportedly used and stored on

Site. The freeze-drying process was abandoned and the dismantling of the plant began in July 1988. On August 2, 1988, an occupant at one of the warehouses adjacent to the Site reported to the Department of Toxic Substances Control (formerly a division of the Department of Health Services) and the fire department of the City of San Leandro that a liquid spill had occurred during tank dismantling operations on Site. The liquid which was cited to be freon was reported to have entered the storm sewer system during the spill.

The Site is owned by W.S. Associates who acquired the property in October 1984. During a pre-purchase environmental investigation conducted in 1989, high levels of TCE were detected in soil and groundwater in and around a portion of the Site. Information obtained from depositions in litigation initiated by W.S. Associates regarding the Site indicate that several potential points of TCE releases to the environment may have occurred. Presently the Site is vacant.

3. **Named Dischargers**: W.S. Associates, being the present property owner, and Nestle, being a former tenant operating the freeze-drying plant, are named as the Dischargers. These companies have voluntarily agreed to assume responsibility for the compliance with the Order. If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters of the State, the Board will consider adding that party's name to this Order.

4. **Site Hydrogeology**: Regionally the Site is underlain by alluvial fan deposits consisting of unconsolidated sand/gravel, silt, and clay. The unsaturated zone beneath the Site extends from ground surface to a depth of approximately 18 feet below ground surface (bgs). Soils in this zone near the eastern side of the Site consist primarily of silts and clays, and those near the western side of the Site consist primarily of sands and gravels. A gravelly sand unit exists at about 30 feet bgs. The groundwater level is about 18 feet bgs, and the direction of flow reportedly varies between southwesterly and southeasterly.

5. **Remedial Investigation**: W.S. Associates first detected TCE in soil and groundwater on the Site during a pre-sale environmental investigation conducted in June 1989. A phase II investigation of the Site reported that TCE concentrations up to 5,000 mg/kg were found in soil samples collected near surface at one of the rear roll-up doors. Analysis of a second groundwater sample from a well MW-4 installed along the southwest side of the Site revealed a TCE concentration of 87,000 ppb. In its April 1990 field investigation, W.S. Associates installed seven (7) soil borings and five (5) additional monitoring wells at the Site and adjacent property. Highest TCE concentrations were detected in soil samples collected from the borings within 50 feet of the roll-up doors on the southwest side of the Site. A TCE concentration of 520,000 ppb was detected in a monitoring well MW-9, immediately downgradient of the Site.

Further subsurface investigation confirmed that TCE, Tetrachloroethylene, 1,1-Dichloroethylene, 1,1,1-Trichloroethane, Acetone, Trichlorofluoromethane, 1,1,2-

Trichloroethane, and Methylene Chloride were present in soil and groundwater below and in the vicinity of the Site. TCE was the predominant volatile organic chemical detected in groundwater and its concentrations were substantially much higher than the corresponding drinking water standard of 5 ppb.

Despite several subsurface investigations conducted by the Dischargers from 1989 through 1993, the soil and groundwater data available so far are insufficient to fully define the lateral and vertical extent of the pollution below and adjacent to the Site. Additionally, source areas of TCE occurrence in the vicinity of the Site have not been fully delineated. As the hydrogeologic features below the Site are quite complex, further subsurface investigation at and in the vicinity of the Site is required for the evaluation of potential migration paths of impacted vapor, water and potential dense non-aqueous phase liquid (DNAPL) pertaining to the TCE occurrence and transport at the Site.

6. **Interim Remedial Measures**: No remedial action has been taken by the Dischargers at or in the vicinity of the Site. To reduce the threat to water quality, public health, and the environment posed by the discharge of waste and to provide a technical basis for selecting and designing final remedial measures, interim remedial measures need to be implemented at this Site promptly.

7. **Adjacent Sites**: The Site is located within a geographic boundary area in which the Department of Toxic Substances Control (DTSC) is currently conducting a number of soil and groundwater investigations. It is known as the "San Leandro Plume Study Area" (the Area), in which TCE is one of the predominant pollutants in soil and groundwater. However, previous studies by DTSC and the Dischargers indicate that the TCE pollution detected below the Site is not associated with the other plumes within the Area.

   There is a deep well formerly operated by the Kellogg's facility for its boiler-water supply. The well is screened at 230 to 260 feet bgs and 310 to 450 feet bgs. There is insufficient information to determine if there is any hydraulic connection between the shallow water bearing zone and the deeper aquifers.

8. **Regulatory Status**: This Site is currently not subject to Board order.

9. **Basin Plan**: The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986, and it has been subsequently amended. The Basin Plan was amended by the Board on August 17, 1994, to include a Non-attainment Area (NAA) policy. The NAA policy has recently been incorporated into a State Water Resources Control Board's Resolution 92-49 and is currently under consideration by the State Water Resources Control Board. The Basin Plan defines beneficial uses and water quality objectives for the surface and groundwaters in the region, as well as discharge prohibitions intended to protect beneficial uses.

   The potential beneficial uses of groundwater underlying and adjacent to the site include:

a. Municipal and domestic water supply
b. Industrial process water supply
c. Industrial service water supply
d. Agricultural water supply

The existing and potential beneficial uses of San Francisco Bay as identified in the Basin Plan include:

a. Contact and non-contact water recreation
b. Wildlife habitat
c. Fish spawning and migration
d. Estuarine and saltwater species habitat
e. Industrial process water supply
f. Shellfish harvesting

10. **Other Board Policies**: Board Resolution No. 88-160 strongly encourages dischargers of extracted, treated groundwater from site cleanups to reuse it or discharge it to the sanitary sewer.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels.

11. **State Water Board Policies**: State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is technically and economically reasonable if background levels of water quality cannot be restored. Non-background cleanup levels must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

12. **Basis for 13304 Order**: Waste has been caused or permitted to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance. The Dischargers have voluntarily assumed responsibility for the remediation of the Site.

13. **Cost Recovery**: Pursuant to California Water Code Section 13304, the Dischargers are hereby notified that the Board is entitled to, and may seek reimbursement for, all

reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

14. **CEQA**: This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

15. **Notification**: The Board has notified the Dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

16. **Public Hearing**: The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the Dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. **PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.

2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.

3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. **TASKS**

1. **WORK PLAN FOR A REMEDIAL INVESTIGATION/FEASIBILITY STUDY**

COMPLIANCE DATE: August 31, 1995

Submit a work plan acceptable to the Executive Officer to identify the lateral and

vertical extent of the chemicals of concern in soil and groundwater. The work plan shall summarize the previous investigation results and delineate the characterization activities to be done on site, and include tasks to: (1) identify potential source areas, (2) identify the proposed soil and groundwater sampling locations, (3) identify proposed monitoring well locations, develop a quarterly groundwater monitoring program, (4) conduct a well survey within a 1/2-mile distance from the Site, (5) assess the potential for tidal influence on the groundwater flow direction below the Site, (6) conduct aquifer tests to assess the hydrogeologic parameters below the Site, and (7) develop appropriate risk assessment information. An implementation schedule shall also be included.

2. **WAREHOUSE INTERIM REMEDIAL ACTION WORK PLAN**

COMPLIANCE DATE: November 17, 1995

Submit a technical report acceptable to the Executive Officer documenting the results of the site warehouse characterization. The report shall also provide an evaluation of various interim remedial measures that would allow for the warehouse occupancy, and include the results of appropriate risk assessment work to identify existing or potential risks to human health. Should the Dischargers prefer to establish risk-based remediation cleanup levels for the chemicals of concern in soil and groundwater, the detail of the cleanup goal development shall be included in the work plan for approval. The work plan should also specify a proposed time schedule for implementation of the interim remedial action(s). If extraction is selected as an interim remedial action for groundwater, then one task will be finding an acceptable method of disposal for the extracted groundwater.

3. **IMPLEMENTATION OF INTERIM REMEDIAL ACTION**

COMPLIANCE DATE: June 30, 1996

Submit a technical report acceptable to the Executive Officer documenting the construction and start-up of the approved interim remedial action. For ongoing actions, such as soil vapor extraction or groundwater extraction, operational data shall also be included in quarterly monitoring reports as described in the self-monitoring program requirements for the Site.

4. **COMPLETION OF REMEDIAL INVESTIGATION**

COMPLIANCE DATE: September 30, 1996

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks identified in the Task B.1 work plan. The technical report should define the soil and groundwater pollution to the extent deemed

acceptable by the Executive Officer. If the investigation consists of several phases of work, each part should have a work plan followed by a technical report.

5. **FEASIBILITY STUDY AND PROPOSED CLEANUP STANDARDS**

COMPLIANCE DATE: September 30, 1996

Submit a technical report acceptable to the Executive Officer containing:

a. The summary of the results of the remedial investigation
b. Evaluation of the installed interim remedial actions
c. Feasibility study evaluating alternative final remedial actions
d. Risk assessment for current and post-cleanup exposures
e. Recommended final remedial actions and cleanup standards
f. Implementation tasks and time schedule

Items b and c should include projections of cost, effectiveness, benefits, and impact on public health, welfare, and the environment of each alternative action.

Items a through c should be consistent with the guidance provided by Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), CERCLA guidance documents with respect to remedial investigations and feasibility studies, Health and Safety Code Section 25356.1(c), and State Board Resolution No. 92-49 as amended ("Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304"). All proposed soil and groundwater cleanup levels shall be protective to the human health and environment.

6. **IMPLEMENTATION OF FINAL REMEDIAL ACTION**

COMPLIANCE DATE: May 31, 1997

Submit a technical report acceptable to the Executive Officer documenting the implementation of the approved final remedial action. The technical report shall provide data related to completion of an NPDES permit application, if discharge of treated groundwater is to the surface water, and a Bay Area Air Quality Management District (BAAQMD) permit if discharge of the chemicals of concern is to the atmosphere. The report shall also document the modification(s) or expansion to the installed interim remedial treatment system in fulfilling the intent of this Order.

7. **Delayed Compliance**: If the Dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks,

the Dischargers shall promptly notify the Executive Officer and the Board may consider revision to this Order.

C. PROVISIONS

1. **No Nuisance**: The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).

2. **Good O&M**: The Dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.

3. **Cost Recovery**: The Dischargers shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the Site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the Dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

4. **Access to Site and Records**: In accordance with California Water Code Section 13267(c), the Dischargers shall permit the Board or its authorized representative:

   a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.

   b. Access to copy any records required to be kept under the requirements of this Order.

   c. Inspection of any monitoring or remediation facilities installed in response to this Order.

   d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the discharger.

5. **Self-Monitoring Program**: The Dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive

Officer.

6. **Contractor/ Consultant Qualifications**: All hydrogeologic documents (plans, specifications, and reports) shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.

7. **Lab Qualifications**: All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).

8. **Document Distribution**: Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be made available to the public and other agencies in a local repository in the San Leandro area..

9. **Reporting of Changed Owner or Operator**: The Dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

10. **Reporting of Hazardous Substance Release**: If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the Dischargers shall report such discharge to the Regional Board by calling (510) 286-1255 during regular office hours (Monday through Friday, 8:00 to 5:00).

    A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

    This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

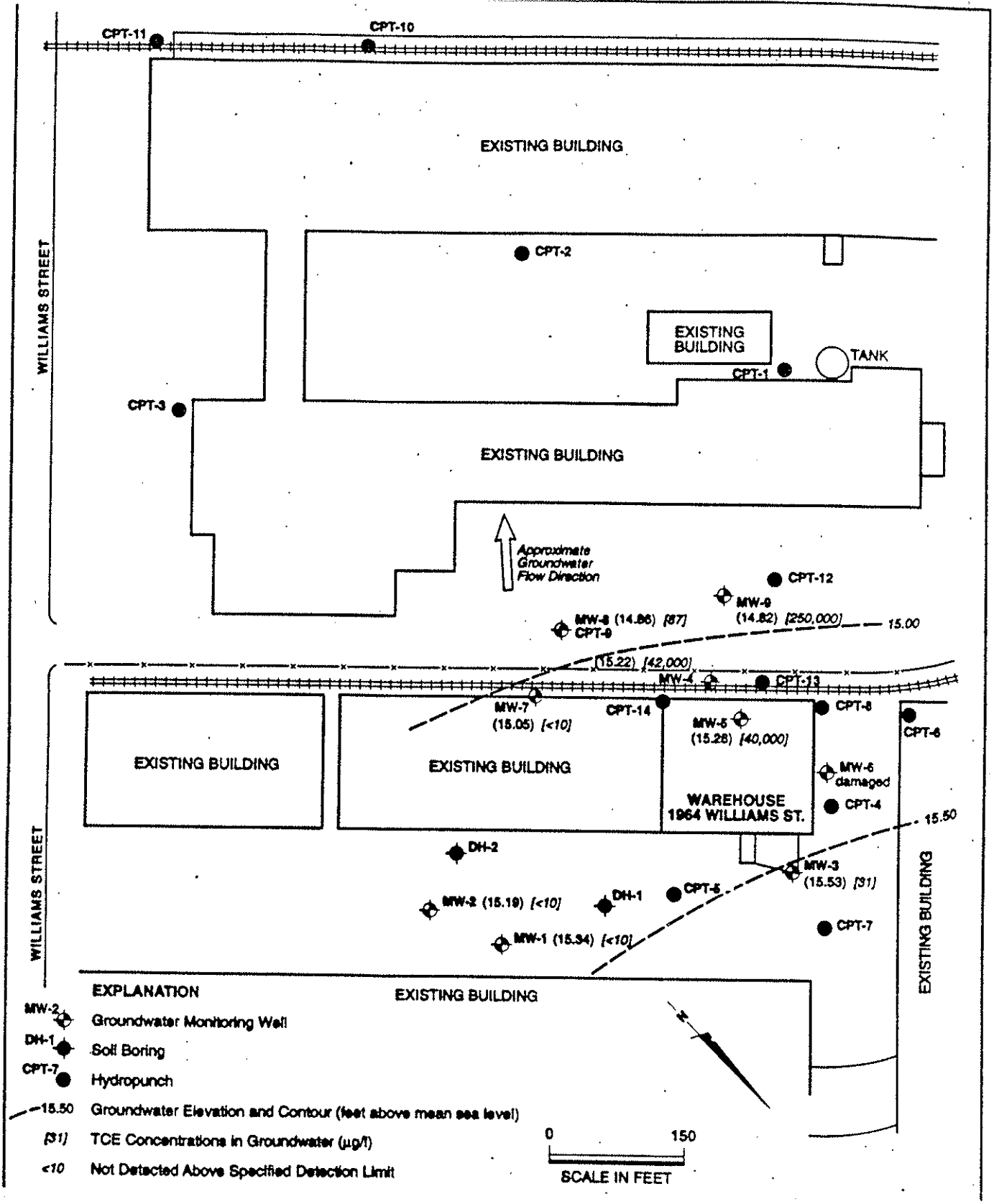
11 **Periodic SCR Review**: The Board will review this Order periodically and may revise it when necessary. The Dischargers may request revisions and upon review the Executive Officer may recommend that the Board revise these requirements.

I, Steve I. Morse, Acting Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 23, 1995.

Steve I. Morse
Acting Executive Officer

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13267 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

Attachments: Site Map
Self-Monitoring Program



1964 Williams Street
Remedial Investigation Work Plan
San Leandro, California

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

W.S. ASSOCIATES
c/o LOWENBERG INVESTMENT COMPANY
44 MONTGOMERY STREET, SUITE 1560
SAN FRANCISCO, CA 94104

AND

NESTLE BEVERAGE COMPANY
345 SPEAR STREET
SAN FRANCISCO, CA 94105

for the property located at
1964 WILLIAMS STREET
SAN LEANDRO
ALAMEDA COUNTY

1. **Authority and Purpose**: The Board requests the technical reports required in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Board Order No. 95-178.

2. **Monitoring**: The Dischargers shall measure groundwater elevations monthly for an initial period of first three months and then quarterly (during March, June, September, and December of each year) thereafter in all monitoring wells, and shall collect and analyze groundwater samples according to the Board approved monitoring program as required in Task B.1 of Board Order No. 95-178. The sampling and analysis requirements shall also be applicable to all newly installed monitoring or extraction wells on- and off-Site.

3. **Quarterly Monitoring Reports**: The Dischargers shall submit quarterly monitoring reports to the Board no later than 30 days following the end of the quarter. The first quarterly monitoring report shall be due on October 30, 1995. The reports shall include:

   a. Transmittal Letter: The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the Dischargers' principal executive officers or their duly authorized representatives, and shall include a statement by the officials, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

b. Groundwater Elevations: Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map should be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in the fourth quarterly report each year.

c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an iso-concentration map should be prepared for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used and detection limits obtained for each reported constituent. Historical groundwater sampling results shall be included in the fourth quarterly report each year. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as laboratory data sheets, need not be included (however, see record keeping - below).

d. Groundwater Extraction: If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other remediation systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the fourth quarterly report each year.

e. Status Report: The quarterly report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.

4. **Violation Reports**: If the Dischargers violate requirements in the Site Cleanup Requirements, then the Dischargers shall notify the Board office by telephone as soon as practicable once the discharger has knowledge of the violation. Board staff may, depending on violation severity, require the discharger to submit a separate technical report on the violation within five working days of telephone notification.

5. **Other Reports**: The Dischargers shall notify the Board prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.

6. **Record Keeping**: The Dischargers or their agents shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six (6) years after origination.

7. **SMP Revisions**: Revisions to the Self-Monitoring Program may be ordered by the

Executive Officer, either on his/her own initiative or at the request of the Dischargers. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs, of associated self-monitoring reports relative to the benefits to be obtained from these reports.

I, Steve I. Morse, Acting Executive Officer, hereby certify that this Self-Monitoring Program was adopted by the Board on August 23, 1995.

Steve I. Morse
Acting Executive Officer